

REMARKS

The examiner's comments at cited references have been carefully reviewed. Applicant has amended his claims and provided new claims to be substituted for those originally filed.

The added claims are believed to distinguish over the know art and are cited by the examiner.

The Hobson et al. '412 patent is only a video monitor at the railroad crossing. If a car blocks the crossing, the camera sends a warning signal to the approaching train to notify the train engineer. This patent has nothing to do with warning motorists of an approaching train, as is applicant's claimed system.

Roop et al. '252 fails to disclose the claimed features of applicant's invention. The '252 patent best discloses its system in Col. 4, line 30 forward, describing a GPS based system relying upon a GPS transmitter in each train. A GPS signal is sent continuously by the train to a central server system. The central server system compares the moving locations of the train to known crossing locations, then sends a signal to warning devices at the crossing to which the train is approaching. The claimed device is easily distinguishable over the Roop device, for the Roop system lacks the claimed motion detectors and presence detectors.

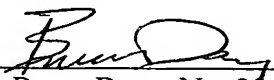
The examiner applied Wilson '341 and pace '299 conceding that Pace does not include the claimed Doppler transmitter, but Wilson does. Wilson is not concerned with warning signals at all, but merely uses a GPS in a first method and Doppler shift device in a second embodiment, both for automatically generating a manifest for the train. There is no connection of Wilson to a railroad crossing warning system.

Pace is the most relevant reference, but if Wilson were combined with Pace, the resulting structure would send a manifesting signal to a central location. There is nothing in the references, either singly or in combination, suggesting use of a Doppler radar transmitter and receiver motion detector detecting movement of a train toward and away from a crossing site. There is nothing to suggest replacing the Pace magnometers with the Doppler radar transmitters and receivers. The examiner is merely left with a generalized Doppler radar transmitter from Wilson that supplies movement information to a central monitoring station for manifesting information. Wilson is a crossing guard warning activation system, but there is no disclosure about how one of ordinary skill could combine Wilson and Pace to produce the claimed structure. The combined teaching is toward a central station, a feature absent in the submitted claims.

The application is believe in condition for allowance.

Respectfully submitted,

By:


Wm. Bruce Day No. 29,059
DAY LAW FIRM, P.C.
4330 Belleview, Suite 300
Kansas City, Missouri 64111
(816) 561-2699 phone
(816) 561-2808 fax
bday@daylaw.us

I certify that on the 3rd day of January 2006 this document is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Hon. Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Day Law Firm, P.C.

By:


Sharice M. Strickland